

ESTTA Tracking number: **ESTTA397699**

Filing date: **03/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mophie, Inc.
Granted to Date of previous extension	03/12/2011
Address	2850 Red Hill Ave. Suite 128 Santa Ana, CA 92705 UNITED STATES
Attorney information	Michelle Hon Donovan Duane Morris LLP 101 West Broadway, Suite 900 San Diego, CA 92101 UNITED STATES mhdonovan@duanemorris.com

Applicant Information

Application No	85095701	Publication date	01/11/2011
Opposition Filing Date	03/11/2011	Opposition Period Ends	03/12/2011
Applicant	Griffin Technology, Inc. 1930 Air Lane Drive Nashville, TN 37210 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2009/03/31 First Use In Commerce: 2009/03/31
All goods and services in the class are opposed, namely: Chargers having detachable power supplies for electronic devices, namely, chargers for mobile phones and digital music players having detachable rechargeable batteries

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Attachments	Notice of Opposition RESERVE.pdf (4 pages)(15726 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle Hon Donovan/
Name	Michelle Hon Donovan
Date	03/11/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 85/095,701

Filed: July 29, 2010

For the Mark: RESERVE

Published in the Official Gazette on January 11, 2011

MOPHIE, INC.

Opposer,

v.

GRIFFIN TECHNOLOGY, INC.,

Applicant.

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Opposition No. _____

NOTICE OF OPPOSITION

Mophie, Inc. (hereinafter “Opposer”), a corporation duly organized and existing under the laws of California, having a principal place of business at 2850 Red Hill Avenue, Suite 128, Santa Ana, CA 92705, believes that it will be damaged by registration of the mark RESERVE shown in Serial No. 85/095,701 as applied to “chargers having detachable power supplies for electronic devices, namely, chargers for mobile phones and digital music players having detachable rechargeable batteries,” and hereby opposes registration of same.

As grounds for opposition, Opposer alleges that:

1. Upon information and belief, Applicant Griffin Technology, Inc. (hereinafter “Applicant”), is a Tennessee corporation having its principal place of business at 1930 Air Lane Drive, Nashville TN 37210.

2. Upon information and belief, Applicant is engaged in the business of developing, manufacturing, marketing, and selling detachable rechargeable batteries and chargers for detachable rechargeable batteries.

3. On July 29, 2010, Applicant filed Application Serial No. 85/095,701 (the “Griffin Application”) to register, on the Principal Register, the mark RESERVE (hereinafter the “Applicant’s Mark”) for “chargers having detachable power supplies for electronic devices, namely, chargers for mobile phones and digital music players having detachable rechargeable batteries” (hereinafter the “Applicant’s Goods”).

4. Applicant’s Mark was published for opposition in the *Official Gazette* on January 11, 2011.

5. Opposer is a leading developer and manufacturer of rechargeable batteries and accessories for use with mobile electronic devices.

6. On October 4, 2010, Opposer filed Application Serial No. 85/144,836 (“Juice Pack Application”) to register, on the Principal Register, the mark MOPHIE JUICE PACK RESERVE for “Rechargeable batteries for use with mobile electronic devices, namely mobile phones, digital audio and video players, handheld computers, personal digital assistants, electronic organizers, electronic notepads, and cameras; battery chargers” (hereinafter the “Mophie Goods”).

7. Opposer has been advised by the United States Patent and Trademark Office that the Juice Pack Application will be refused registration if the Griffin Application matures into a registration.

8. Opposer has also been advised by the United States Patent and Trademark Office that the term “reserve” is descriptive of rechargeable batteries and battery chargers and must be disclaimed.

9. Applicant’s Mark, RESERVE, is merely descriptive of Applicant’s Goods, namely detachable rechargeable batteries and battery chargers for detachable rechargeable batteries.

10. Applicant’s Mark is not inherently distinctive and has not acquired distinctiveness, or secondary meaning.

11. Applicant’s Mark is not and would not be recognized as a trademark by consumers.

12. If the Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to the use of its proposed mark. Such registration would be a source of damage and injury to the Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of the RESERVE mark in Application Serial No. 85/095,701, and respectfully requests that this opposition be sustained and that the registration sought by Applicant be denied.

Respectfully submitted,

MOPHIE, INC.

Date: March 11, 2011

By: /Michelle Hon Donovan/

Michelle Hon Donovan
Attorney for Opposer
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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2011, the Notice of Opposition is being deposited with the United States Postal Service, with sufficient postage as first class mail addressed to:

Jason L. Hornkohl
Hornkohl Intellectual Property Law, PLLC
PO Box 210584
Nashville, TN 37221-0584

/Michelle Hon Donovan/
Michelle Hon Donovan